

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE ORGANIZATION AND RESPONSIBILITIES OF THE PROFESSIONAL STANDARDS SECTION OF THE HUMAN RESOURCES DIVISION AND THE INTERGOVERNMENTAL AFFAIRS/BOARDS SECTION; CREATING AN ADDITIONAL EXEMPTION FOR THE CONE OF SILENCE; AMENDING SECTIONS 1-159, 1-266, 1-618, 16½-3, AND 26-70.1 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, County Administration has reorganized the Office of Intergovernmental Affairs and Professional Standards Section, including moving the Professional Standards Section from the Office of Intergovernmental Affairs and Professional Standards to the Human Resources Division, and moving the Human Rights Section from the Office of Intergovernmental Affairs and Professional Standards to the Human Services Department;

WHEREAS, certain responsibilities of the Office of Intergovernmental Affairs and Professional Standards have been assigned to the Intergovernmental Affairs/Boards Section; and

WHEREAS, it is appropriate at this time to amend the Broward County Code of Ordinances ("Code") to reflect such changes,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BROWARD COUNTY, FLORIDA:

Section 1. Section 1-159 of the Broward County Code of Ordinances, pertaining
to the Commission on the Status of Women, is hereby amended to read as follows:

Sec. 1-159. Duties and powers of the commission.

The commission shall have the following duties, functions, powers, and
responsibilities:

. . .

(j) To operate and to conduct the affairs of this commission ~~within the Office of~~
~~Equal Opportunity~~, with the assistance of Broward County personnel ~~employed~~
designated by the County Administrator ~~and subject to the Broward County Civil Service~~
~~Rules and Regulations~~;

. . .

Section 2. Section 1-266 of the Broward County Code of Ordinances, pertaining
to the Broward County Code of Silence, is hereby amended to read as follows:

Sec. 1-266. Code of silence.

(a) *Definitions.* For purposes of this section, use of the plural shall include the
singular, and use of the singular shall include the plural. Any terms used in this section
but not defined herein have the same meaning as defined in Chapter 21 of the Broward
County Administrative Code (the "Procurement Code"). The following additional
definitions apply unless the context in which the word or phrase is used requires a
different definition:

. . .

County Staff means employees of the County, regardless of their role or participation (if any) in the Competitive Solicitation, and any other person engaged by the County to perform services relating to the Competitive Solicitation, except for persons expressly excepted herein. The following persons are not "County Staff" unless such persons are voting members of the Evaluation Committee for the Competitive Solicitation: the employees of the Purchasing Division; the designated Project Manager(s) or their designee(s); the Small Business Development Specialist Supervisor designated by the Director of the Broward County Office of Economic and Small Business Development ("OESBD") to answer any questions ~~related~~ relating to the Competitive Solicitation; employees of the Professional Standards Section of the Human Resources Division ("Professional Standards Section") for purposes of investigating alleged violations of this section; the Broward County Chief Financial Officer; employees of the Office of the County Attorney; and employees of the Office of the County Auditor.

...

(e) *Permitted communication.*

...

(3) Nothing contained in this section shall prohibit communications between employees of the Professional Standards Section and a Vendor or Vendor's Representative for the purpose of reporting or investigating alleged violations of this section.

~~(3)~~ (4) The Cone of Silence shall not apply to communications with employees of the Office of the County Attorney or the Office of the County Auditor, or with any other County employees that are expressly excepted from the scope of

County Staff, as defined herein, provided that such person is not a member of the Evaluation Committee appointed for the Competitive Solicitation if an Evaluation Committee has been appointed.

~~(4)~~ (5) Nothing contained in this section shall prohibit a Vendor or Vendor's Representative from:

...

f. Communicating in writing as provided in section ~~(5)~~ (6) below.

~~(5)~~ (6) The Director of Purchasing or designee shall accept written communications from a Vendor or Vendor's Representative at any time the Cone of Silence is in effect. Such writing, including any response thereto, shall be provided by the Director of Purchasing or designee as follows: if an Evaluation Committee has been appointed, to the Evaluation Committee sufficiently in advance of evaluation and ranking to permit appropriate review under the circumstances; and to the Board or other awarding authority, prior to consideration of the request for award of the Competitive Solicitation or approval of the contract for the Competitive Solicitation, or within three (3) days after the writing is received or the response is provided (as applicable) if the writing was received or the response was provided after approval of the award or contract, as applicable.

(f) *Violations.*

(1) A complaint alleging a violation of this section may be filed with the County's Professional Standards/~~Human Rights~~ Section. In each such instance, an investigation shall be performed by the Professional Standards/~~Human~~

92 ~~Rights~~ Section and the results of each investigation, including any
93 determination of violation, shall be set forth in a written report issued within
94 180 days after receipt of the complaint, unless the Director of the
95 ~~Professional Standards/Human Rights Section~~ Human Resources Division
96 determines in writing that additional time is required in which event the time
97 shall be extended by an additional 30 days. If there is a determination of
98 violation, a fine shall be imposed as provided in Section 8½-16(f) of the
99 Broward County Code of Ordinances.

100 . . .

101 (3) Any Vendor, person, or other entity determined by the Professional
102 ~~Standards/Human Rights~~ Section to have violated the Cone of Silence may
103 appeal such determination within the time and in the manner provided in
104 Part XII ("Appeals") of the Procurement Code. If the determination is timely
105 appealed and a decision is rendered by a hearing officer, the decision of the
106 hearing officer shall be the final determination. If no appeal is timely filed or
107 a decision is not rendered by the hearing officer, the determination of the
108 Professional Standards/~~Human—Rights~~ Section shall be the final
109 determination.

110 . . .

111 Section 3. Section 1-618 of the Broward County Code of Ordinances, pertaining
112 to the Broward County Housing Council, is hereby amended to read as follows:

Sec. 1-618. Attendance policy.

(a) A member of the Broward County Housing Council shall be automatically removed as a member if ~~he or she~~ the member has three (3) consecutive unexcused absences or misses four (4) ~~properly noticed~~ properly noticed meetings in one (1) calendar year because of unexcused absences.

(b) For Broward County Commission appointments, the automatic removal of a member is deemed effective when written notice of the reason for the removal has been sent to the member by the ~~Office of Intergovernmental Affairs and Professional Standards~~ Intergovernmental Affairs/Boards Section. For appointments made by other appointing authorities, the automatic removal of a member is deemed effective when written notice of the reason for the removal has been sent to the member by the Council Coordinator.

(c) The absence of a member shall be deemed excused under the following circumstances:

- (1) When the member is performing an authorized alternative activity relating to outside Council business that directly conflicts with the ~~properly noticed~~ properly noticed meeting;

...

(d) Attendance records for members shall be submitted by the Council Coordinator to the ~~Office of Intergovernmental Affairs and Professional Standards' Coordinator~~ Intergovernmental Affairs/Boards Section within two (2) weeks after each meeting to determine attendance compliance. A member shall notify the Council Coordinator, either orally or in writing, at least two (2) business days prior to the scheduled meeting date as to whether ~~he or she~~ the member will or will not attend the meeting,

unless the occurrence of an event specified in Subsections 1-618(c)(1)-(4) above makes such notice impracticable. This notification requirement is imposed to allow sufficient time for the Council Coordinator to cancel the meeting if it appears there will be no quorum. Failure to notify the Council Coordinator at least two (2) business days prior to the scheduled meeting shall be considered an absence if such failure results in cancellation of the meeting. All members attending the meeting (either in person or through teleconference, when permitted) will be marked as present. A member who has notified the Council Coordinator that ~~he or she~~ the member cannot attend the meeting will be considered absent even if the meeting is cancelled due to lack of a quorum. The Chair of the Council, shall, in ~~his or her~~ their discretion, determine whether the member's absence meets any of the criteria for an excused absence set forth in ~~sub~~Section 1-618(c) above.

...

Section 4. Section 16½-3 of the Broward County Code of Ordinances, pertaining to the Broward County Human Rights Act, is hereby amended to read as follows:

Sec. 16½-3. Definitions.

As used in this chapter:

...

(ff) *Human Rights Section* means the Human Rights Section of the Broward County ~~Office of Intergovernmental Affairs and Professional Standards~~ Human Services Department Housing Options, Solutions, and Supports Division.

...

Section 5. Section 26-70.1 of the Broward County Code of Ordinances, pertaining to Conflict of Interest, is hereby amended to read as follows:

Sec. 26-70.1. Acceptance of gifts by appointed board members.

...

(c) *Investigation of Violations.*

(1) The ~~Office of Intergovernmental Affairs and Professional Standards~~ Section of the Human Resources Division shall have the authority to investigate alleged violations of this Section.

(2) If, upon the completion of an investigation by the ~~Office of Intergovernmental Affairs and Professional Standards~~ Section of the Human Resources Division, the County Administrator determines that an advisory board or other board member has violated any provisions of this Section, the County Administrator shall issue a proposed order notifying the member of such determination and imposing a proposed sanction as provided below.

...

Section 6. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 7. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 8. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Kristen M. McIntosh 12/29/2022
Kristen M. McIntosh (date)
Assistant County Attorney

By: /s/ Adam M. Katzman 12/29/2022
Adam M. Katzman (date)
Senior Assistant County Attorney

KMM/jl
Professional Standards Reorganization Ordinance
12/29/2022
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.